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Attorney for Mark Stern and First Republic Group Realty LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

AMUSEMENT INDUSTRY, INC., d/b/a WESTLAND : No. 07 Civ. 11586 (LAK)(GWG)
INDUSTRIES, PRACTICAL FINANCE CO., INC., :

: (ECF)

Plaintiffs,

- against -

: **NOTICE OF MOTION**

MOSES STERN, aka MARK STERN; JOSHUA SAFRIN, :
FIRST REPUBLIC GROUP REALTY LLC, EPHRAIM :
FRENKEL, LAND TITLE ASSOCIATES ESCROW, :

Defendants.

----- X

JOSHUA SAFRIN, :
Defendant/Third Party-Crossclaim :
Counterclaim-Plaintiff, :

- against -

:

STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN :
INGERSOLL & ROONEY, P.C., BANKERS CAPITAL :
REALTY ADVISORS LLC., and FIRST REPUBLIC :
GROUP CORP., :

Third Party Defendants, :

- and -

:

:

MOSES STERN, aka MARK STERN, FIRST REPUBLIC :
GROUP REALTY LLC, EPHRAIM FRENKEL, and :
LAND TITLE ASSOCIATE ESCROW, :

Defendants/Crossclaim Defendants, :

-and - :

AMUSEMENT INDUSTRY, INC., dba WESTLAND :
INDUSTRIES, PRACTICAL FINANCE CO., INC., :

Plaintiffs/Counterclaim Defendants.

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law in Support of the Motion to Dismiss, Defendants Moses Stern and First Republic Group Realty LLC will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court may direct, for an order striking or dismissing the Amended Third Party Complaint of Joshua Safrin as against Moses Stern and First Republic Group Realty LLC pursuant to Rule 14(a) of the Federal Rules of Civil Procedure for improperly asserting cross-claims in a Third Party Complaint and pursuant to Rule 12(b)(6) for failure to state claims upon which relief can be granted and for such other and further relief in favor of said defendants as the Court deems appropriate.

Dated: June 9, 2008
New York, New York

By: /s/ Michael A. Lynn
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